

EXHIBIT C

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK**

JOHN FRISBIE, Individually and on Behalf	:	
of All Other Persons Similarly Situated,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No.
	:	6:17-cv-06270 (FPG-JWF)
TOP LINE RESTAURANTS, INC.,	:	
TOP LINE MANAGEMENT, LLC,	:	
FEAST FOODS, LLC,	:	
FEAST AMERICAN DINERS, LLC and	:	
REVEILLE MANAGEMENT, LLC,	:	
	:	
Defendants.	:	
	:	

DECLARATION OF CHRISTINA BUCKLES

I, Christina Buckles, declare, based upon personal knowledge and under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am a resident of Phoenix, AZ.
2. I was employed by Defendants Top Line Restaurants, Inc. and Top Line Management, LLC (jointly “Top Line”), as a Restaurant Manager (“RM”) from approximately March 2013 until September 2015 at their Denny’s restaurant at 32nd Street and Bell Road in Phoenix, AZ.¹
3. During my entire tenure as an RM working for Top Line, I was classified as an exempt employee, paid on a salary basis, and received no overtime pay for hours worked beyond 40 in a work week.

¹ In September 2015, the Denny’s restaurant in which I worked was sold by Top Line to co-Defendants Feast Foods, LLC, Feast American Diners, LLC and Reveille Management, LLC (together, “Feast”). I continued to work as an RM for Feast until March 2016.

4. While working as an RM for Top Line, I routinely worked over 60 hours per week, and sometimes over 70 hours.

5. I spent the vast majority of my time as an RM – over 75% – performing the same manual tasks as Top Line’s non-exempt employees (the kitchen staff, hosts and servers). Tasks I routinely performed as an RM included cooking, washing dishes, prepping and serving food, seating guests, taking orders, making drinks, waiting on and serving customers, bussing tables, working the cash register, answering the phone, organizing inventory, unloading trucks, cleaning the kitchen, and other non-exempt tasks.

6. Other RMs employed by Top Line also worked over 40 hours a week, were classified as exempt from overtime requirements, were not paid overtime compensation, and spent the vast majority of their time performing non-exempt, manual labor. I know this because I worked with and trained with other RMs. Each restaurant operated by Top Line has multiple RMs on staff. We worked together, and we all performed the same work. We talked about the physical demands of the RM position, the long hours RMs worked, and that RMs were not paid overtime. We would comment we felt more like cooks than managers.

7. All RMs are trained in the same manner and with the same materials. The training I received was identical to the training received by other RMs I knew and worked with. I know this because during my training, I saw other RMs also being trained at the same time. We were trained in the same way, according to the same training program, and using the same training materials. We also completed the same on-line training modules that were the same for all RMs.

8. Although I was officially assigned to the same restaurant during my entire tenure as an RM for Top Line, I frequently “covered” RM shifts at other Top Line Denny’s restaurants in the Phoenix area, as needed. During my time as an RM, I worked at four different Top Line

Denny's restaurants. In each restaurant, the work I performed as an RM was exactly the same. Differences in restaurant location did not affect the work I performed, or the expectations placed upon me, as an RM.

9. Top Line also had a policy of limiting the amount overtime performed by – and paid to – hourly employees. If any hourly worker was nearing 40 hours in any work week, then their hours and shifts for the rest of the week would be reduced. When this happened, which was virtually every week, I was expected to work longer hours and cover those shifts.

10. “Management” comprised very little of my time as an RM and was not my primary duty. The restaurant in which I worked had a General Manager (“GM”), who was responsible for all hiring, firing, and disciplinary decisions in the restaurant. I drafted weekly schedules, but this took less than two hours a week (and was ultimately subject to GM approval). I had no role in creating store procedures or policies, or in setting store hours, nor was my input ever sought. Based on the authority we possessed and the work we performed, other RMs and I felt more like non-exempt wait staff and cooks than actual “managers.”

I declare under penalty of perjury that the foregoing is true and correct.


Christina M Buckles (Mar 20, 2019)

Christina Buckles